

2019 81073

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PS Form 3800, All

ALLSTATE VEHICLE AND PROPERTY
 INSURANCE COMPANY
 C/O: CT CORPORATION SYSTEM
 1999 BRYAN STREET SUITE 900
 DALLAS TX 75201-3136

NOV 12 2019
 HOUSTON TX

11-11-2019

EXHIBIT**B**

RECORDER'S MEMORANDUM
 This instrument is of poor quality
 at the time of imaging



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 10, 2019

Certified Document Number: 88091167 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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P2

CAUSE NO. 201981073

RECEIPT NO.

75.00

CTM

TR # 73694259

PLAINTIFF: EL-TABLAHY, MAHDY

vs.

DEFENDANT: ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY

In The 152nd
Judicial District Court
of Harris County, Texas
152ND DISTRICT COURT
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
County of Harris

TO: ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY
(ILLINOIS INSURANCE COMPANY) BY SERVING ITS REGISTERED AGENT
CT CORPORATION SYSTEM

1999 BRYAN STREET SUITE 900 DALLAS TX 75201 - 3136

Attached is a copy of PLAINTIFFS' ORIGINAL PETITION REQUEST FOR DISCLOSURE AND JURY DEMAND

This instrument was filed on the 7th day of November, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 8th day of November, 2019, under my hand and seal of said Court.

Issued at request of:

SCHERRER, ROBERT
5177 RICHMOND, SUITE 505
HOUSTON, TX 77056
Tel: (713) 552-1144
Bar No.: 17745420



Marilyn Burgess

MARILYN BURGESS, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Generated By: GILBERT, COURTNI NICOLE U5U//11376106

CLERK'S RETURN BY MAILING

Came to hand the _____ day of _____, _____, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFFS' ORIGINAL PETITION REQUEST FOR DISCLOSURE AND JURY to the following addressee at address:

ADDRESS

Service was executed in accordance with Rule 106
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at

on _____ day of _____, _____
by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

MARILYN BURGESS, District Clerk
Harris County, TEXAS

By _____, Deputy

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on _____ day of _____, _____
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This citation was not executed for the following reason: _____

MARILYN BURGESS, District Clerk
Harris County, TEXAS

By _____, Deputy



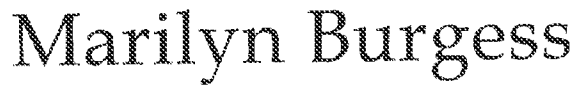
I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

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Certified Document Number: 88042788 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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HARRIS COUNTY DISTRICT CLERK

291 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-6800 | www.hcdilivictor.com

CASE NUMBER: _____ CURRENT COURT: _____

FILE DATE: 11/6/2019 Month/Day/Year

Served):

Address of Service: 1999 Bryan Street, Suite 900

City, State & Zip: Dallas, Texas 75201-3136

Agent (if applicable) CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation
 ☐ Citation by Posting
 ☐ Citation by Publication
 ☐ Citations Rule 106 Service
☐ Citation Scire Facias
 Newspaper _____
☐ Temporary Restraining Order
☐ Precept
☐ Notice
☐ Protective Order
☐ Secretary of State Citation (\$12.00)
☐ Capias (not an E-Issuance)
☐ Attachment
☐ Certiorari
☐ Highway Commission (\$12.00)
☐ Commissioner of Insurance (\$12.00)
☐ Hague Convention (\$16.00)
☐ Garnishment
☐ Habeas Corpus
☐ Injunction
☐ Sequestration
☐ Subpoena
☐ Other (Please Describe) _____

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP (phone) _____
☐ MAIL to attorney at: _____
☐ CONSTABLE
☒ CERTIFIED MAIL by District Clerk
- ☐ E-Issuance by District Clerk
 (No Service Copy Fees Charged)
Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.
 Visit www.hcdistrictclerk.com for more instructions.
- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ OTHER, explain _____

Issuance of Service Requested By: Attorney/Party Name: Robert Scherrer Bar # or ID 17745420

Mailing Address: 5177 Richmond, Suite 505 Houston, TX 77

Phone Number: 713-552-1144



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

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Certified Document Number: 87988344 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED Mahdy El-Tablawy and Nadia El-Tablawy v. Allstate Vehicle and Property Insurance Company

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: Robert Scherrer Email: BScherrer@ujsmllaw.com Address: 5177 Richmond, Ste. 505 City/State/Zip: Houston, Texas 77056 Signature: /S/ Robert Scherrer Telephone: 713-552-1144 Fax: 713-781-4448 State Bar No: 17745420		Names of parties in case: Plaintiff(s)/Petitioner(s): Mahdy El-Tablawy Nadia El-Tablawy Defendant(s)/Respondent(s): Allstate Vehicle and Property Insurance Company [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input checked="" type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					



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HARRIS COUNTY, TEXAS

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CAUSE NO. _____

MAHDY EL-TABLAUWY and NADIA EL-TABLAUWY	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY	§	
	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs MAHDY EL-TABLAUWY and NADIA EL-TABLAUWY (hereinafter "Plaintiffs") and file this, their Plaintiff's Original Petition, complaining of Allstate Vehicle and Property Insurance Company, (hereinafter, "Allstate") and for cause of action would respectfully show unto the Court as follows:

I.
PARTIES

Plaintiffs are residents of Harris County, Texas.

Allstate is an Illinois insurance company, engaged in the business of selling insurance in, among other states, the State of Texas. Allstate may be served with citation by serving its registered agent, **CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136**. Plaintiff requests service at this time.

To the extent that the above-named defendant is conducting business pursuant to a trade name or assumed name, then suit is brought against it pursuant to the terms of Rule 28, Tex. R, Civ. P., and Plaintiffs hereby demand that upon answering this suit, Defendant answer in its correct legal name and/or assumed name.

II.
JURISDICTION AND VENUE

The Court has jurisdiction over Defendant as Defendant is engaged in the business of insurance in this state, and this suit arises out of Allstate's insurance activities in Harris County, Texas.

The amount in controversy exceeds the minimal jurisdictional limits of the Court. Venue is proper in Harris County, Texas, pursuant to §15.032, Texas Civil Practice and Remedies Code because Plaintiffs' insured property was located in Houston, Harris County, Texas.

III.
DISCOVERY PLAN

Pursuant to Rules 190.1 and 190.4 of the Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery under LEVEL 3.

IV.
FACTS

Plaintiffs' home, located in Harris County was severely damaged by Hurricane Harvey. Plaintiffs' property was covered under a policy of insurance purchased from Allstate. Following the hurricane, Plaintiffs filed a claim for damages resulting from the storm. Allstate initially covered the claim and made a partial payment for damages, advising Plaintiffs that they could submit a supplemental claim if the damages exceeded the amount originally paid. When a supplemental claim was filed, Allstate took no action on the claim and has up to the filing of this lawsuit ignored the claim and has made no contact with Plaintiffs' attorney.

Plaintiffs also assert that Allstate, through its adjusters made false and misleading representations about Plaintiffs' ability to file a supplemental claim with the intent to try to allow the statute of limitations to run before the supplemental claim was made.

Finally, Plaintiffs assert that Allstate has continued to delay and or deny Plaintiffs' supplemental claim in breach of their insurance contract and in violation of the Texas Insurance Code, as more fully specified below.

V.
UNDERLYING CAUSES OF ACTION

A. BREACH OF CONTRACT AND BREACH OF COMMON LAW DUTY OF GOOD FAITH AND FAIR DEALING

Allstate's conduct is in direct breach of their insurance contract with Plaintiffs in that

Allstate failed to provide full coverage for all the damages suffered by Plaintiffs. Instead, Allstate paid for only a portion of the damages, while at the same time promising Plaintiffs that they could file a supplemental claim. Once the supplemental claim was filed, Allstate has ignored and refused to honor the terms of its contract with Plaintiffs.

Allstate has also violated its common law duty of good faith and fair dealing by refusing to honor the supplemental claim filed by Plaintiffs.

B. COMMON LAW FRAUD

Allstate's actions amount to common law fraud as it fraudulently represented that it would honor the supplemental claim of Plaintiffs. Instead, they failed to honor such supplemental claim in a timely and competent manner. Furthermore, Allstate intended for Plaintiffs to rely on the representations of Allstate to Plaintiffs' detriment by accepting partial payment for their claim.

C. FRAUDULENT INDUCEMENT

Allstate fraudulently induced Plaintiffs to accept partial payment for their claim knowing full well that it was unwilling to honor its promise to honor Plaintiffs' supplemental claim.

D. NEGLIGENCE

In addition to the above, Allstate was negligent in failing to honor the claim of Plaintiffs. Such negligence has proximately caused damages to Plaintiffs.

E. GROSS NEGLIGENCE

In addition to the above, the conduct of Allstate exceeded ordinary negligence and amounts to gross negligence, in that its conduct; (i) viewed objectively from the standpoint of Allstate at the time of its occurrence involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and (ii) of which Allstate had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs.

F. PROMISSORY ESTOPPEL

Allstate made certain promises to Plaintiffs as referenced above. Plaintiffs substantially

relied on those promises to their own detriment. Further, based on the representations made by Allstate, Plaintiffs' reliance on the promises was reasonable, and was reasonably foreseeable by Allstate. Allstate's fraudulent, misleading, false and deceptive acts and practices were designed to, and in fact did, induce Plaintiffs to accept partial payment for their claim.

G. DECEPTIVE TRADE PRACTICES

Plaintiffs were "consumers" under the Texas Deceptive Trade Practices Act, TEX. BUS. & COM. CODE § 17.45. Allstate's conduct, as alleged herein, violates the Texas Business and Commerce Code, article 17.41-63, which prohibits false, misleading, or deceptive acts or practices in the conduct involving trade or commerce and insurance claims. More specifically, Allstate, among other things, violated §17.41-63 in the following particulars:

- a. failing to reasonably and timely investigate, adjust and pay the claims of Plaintiffs;
- b. misrepresenting that the insurance policy was of a particular standard, quality, or grade, when they were that of another;
- c. representing that the policy had sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which it did not have;
- d. advertising goods or services with intent not to sell or deliver them as advertised;
- e. breaching an express warranty to pay Plaintiffs for the damages they suffered during Hurricane Harvey, which were covered by the policy of insurance sold to Plaintiffs by Allstate.

Each and all of the foregoing were direct, proximate and producing causes of the damages alleged herein, and were committed knowingly and intentionally.

Further, Allstate's actions were unconscionable in that they took advantage of Plaintiffs' lack of knowledge and expertise to a degree that entitles Plaintiffs to damages under section 70.50.

G. VIOLATIONS OF TEXAS INSURANCE CODE

Allstate's misrepresented, unreasonably delayed and continues to deny Plaintiffs' claims under the policy of insurance sold by Allstate. Such conduct is in violation of the Texas Insurance Code, Chapters 541 and 542. This statute establishes certain standards and statutory

duties owed to insured by Allstate and other insurance companies. These duties were breached in this case and Plaintiffs have suffered damages. More specifically, Allstate, among other things, violated Chapters 541 and 542 in the following particulars:

- a. committing unfair settlement practices in violation of Chapter 541.060;
- b. failing to explain why they failed to pay the claim of Plaintiffs;
- c. failing to promptly pay the claim of Plaintiffs in violation of Chapter 542; and
- d. misrepresenting that Plaintiffs could file a supplemental claim for damages not paid for with the initial insurance payment.

Allstate's conduct was committed knowingly as defined in Chapter 541.152.

VI. DAMAGES

As a result of the conduct of Allstate, Plaintiffs are entitled to the following damages:

1. Actual damages;
2. Punitive damages;
3. Reasonable and necessary attorney's fees and expenses;
4. Mental anguish, past and future;
5. Statutory treble damages;
6. Costs of Court;
7. Prejudgment interest and post-judgment interest at the legal rate; and
8. All other relief to which Plaintiffs may show themselves justly entitled.

Said damages total an amount in excess of this Court's minimum jurisdictional limits.

VII REQUEST FOR DISCLOSURE

Pursuant to Texas Rules of Civil Procedure, Rule 194.1, *et. seq* of the Texas Rules of Civil Procedure Plaintiffs request that Allstate disclose the information or material described in Rule 194.2(a) through (l) of the Texas Rules of Civil Procedure. within 30 days after service of this request upon Defendant.

VIII.
JURY DEMAND

Plaintiffs hereby demand a jury and has paid the jury fee along with the filing of this Petition.

IX.
PRAYER

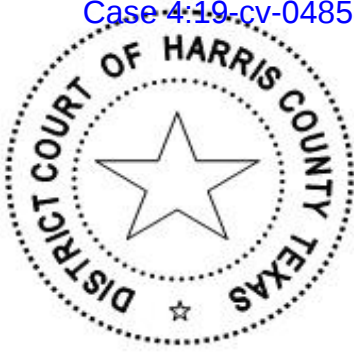
WHEREFORE, PREMISES CONSIDERED, Plaintiffs prays that they do and have judgment against Allstate in the amount to be determined by the court, inclusive of interest, and for such other and further relief, both general and special, to which Plaintiffs may be justly entitled.

Respectfully submitted,

UNDERWOOD, JONES & SCHERRER, PLLC

By /s/ Robert Scherrer
Robert Scherrer
State Bar No. 17745420
BScherrer@ujsmlaw.com
5177 Richmond, Suite 505
Houston, Texas 77056
(713) 552-1144- Telephone
(713) 781-4448 - Telecopier

Attorneys for Plaintiffs



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